

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

IN RE: CONSOLIDATED BIOMET)Consolidated Cases:
M2A HIP REPLACEMENT CASES)No. 2014-CA-001932-NC
)No. 2014-CA-001934-NC
)No. 2014-CA-001936-NC
)No. 2015-CA-004171-NC
)No. 2016-CA-000419-NC
)No. 2016-CA-000429-NC
)No. 2013-CA-006926-NC
)No. 2013-CA-008280-NC

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THIS DOCUMENT APPLIES TO:)
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Collier County, FL cases:)
Michelle Aldridge v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-001091;)
Mark Daly v. John Cuckler,)
M.D., et al., Case No.) VIDEOTAPED DEPOSITION OF
11-2016-CA-001658;) ANDREW TRICKLE
Rick Fowler v. John)
Cuckler, M.D., et al., Case) OCTOBER 17, 2016
No. 11-2016-CA-001659;)
Myrtle Gannon v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-000619;)
William Garrett v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-000702;)
Catherine Hemphill v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-000622;)
Melton Hunt v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-000701;)
Joy Kline v. John Cuckler,)
M.D., et al., Case No.)
11-2016-CA-000703;)
Valerie Lichtman v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-000704;)
Roger Massie v. John)
Cuckler, M.D., et al., Case)
No. 11-2016-CA-001749;)
)

1 Q. Well, let's talk about -- let's take them
2 first. 38 in Taper?

3 A. 38 in Taper were older systems that just
4 didn't have the sales volume to support it any longer.

5 Q. Okay. Is that because other newer systems
6 like the Magnum --

7 A. Correct.

8 Q. -- or alternative material designs were
9 present at that time?

10 A. In that portfolio the Magnum dominated
11 the --

12 Q. Okay.

13 A. -- sales volume.

14 There was a -- that's okay. Go ahead.

15 Q. Well, and let's talk about the Magnum
16 then.

17 Why was the Magnum discontinued?

18 A. See, I wasn't -- I wasn't in the group
19 when that happened, so I don't know if I should
20 speculate because I don't know how accurate I would
21 be.

22 Q. Well, not -- we -- we don't want you to
23 speculate, don't want you to guess. But, you know,
24 you've been involved in this, you are at the company,

1 I mean, you've got to know things, so that's all I'm
2 trying to get is --

3 A. I know. I know.

4 Q. -- the extent of your knowledge about
5 that.

6 A. I know. I understand. I would hate to
7 say something, though, if it's not accurate.

8 Q. I appreciate that.

9 A. My understanding was because of the shift
10 in the -- the marketplace, because of the -- the --
11 the concerns that were raised because of ASR and Durom
12 that people, the marketplace have moved away from
13 metal-on-metal. So sales had declined. There were
14 also requests for data, like they -- the FDA wanted
15 in-depth studies surrounding metal-on-metal. And when
16 you looked at the combination of the decline in sales
17 versus the amount of data effort, financial resources
18 into studies, it was to the point where the business
19 decision was made to no longer sell. That's my
20 understanding. That may or may not be the exact.

21 Q. Okay. So -- so it was a -- it was -- to
22 your understanding, it was a combination of declining
23 sales?

24 A. Correct.